

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CAPELLI MILAN, LLC, et al.,
 Plaintiff(s),

Case No.: 2:20-cv-00827-APG-NJK

v.

ORDER

[Docket No. 14]

THE HONORABLE STEPHEN F.
 SISOLAK, et al.,
 Defendant(s).

Pending before the Court is Plaintiffs' motion to file a second amended complaint to add Calvary Chapel Lone Mountain as a plaintiff. Docket No. 14. That motion was filed on May 18, 2020. Two days later, on May 20, 2020, Calvary Chapel Lone Mountain filed a separate lawsuit against state officials. *Calvary Chapel Lone Mountain v. Sisolak*, Case No. 2:20-cv-00907-RFB-VCF (D. Nev.). Both cases seek damages and injunctive relief for claims arising out of the state's response to the current pandemic.

Given its initiation of a separate suit, it appears that Calvary Chapel Lone Mountain has abandoned its efforts to join this action. At any rate, it does not appear proper to allow Calvary Chapel Lone Mountain to join this suit given that plaintiffs are generally precluded from simultaneously pursuing multiple lawsuits on the same claims. *See Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007) ("Plaintiffs generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendants"), *overruled in part on other grounds by Taylor v. Sturgell*, 553 U.S. 880

1 (2008); *see also Novak v. United States*, 795 F.3d 1012, 1020 (9th Cir. 2015) (leave to amend is
2 properly denied where amendment is futile).

3 Accordingly, the motion for leave to file a second amended complaint is **DENIED** without
4 prejudice. To the extent Calvary Chapel Lone Mountain does in fact wish to join this suit, any
5 renewed motion seeking that relief must explain in detail why the amendment is not futile in light
6 of its other pending case.

7 IT IS SO ORDERED.

8 Dated: June 9, 2020

9
10 
11 _____
12 Nancy J. Koppe
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28